

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIG INSURANCE COMPANY,
as successor-in-interest to
TRANSAMERICA INSURANCE COMPANY,

Petitioner,

-against-

FIRST STATE INSURANCE COMPANY,

Respondent.

CIVIL ACTION NO.

04 - 12729 MLW

**PETITIONER'S EMERGENCY MOTION AND MEMORANDUM OF LAW
IN SUPPORT OF ORDER TO SHOW CAUSE AND
TEMPORARY RESTRAINING ORDER**

Petitioner, TIG Insurance Company, as successor-in-interest to Transamerica Insurance Company ("TIG"), submits this Motion and supporting Memorandum of Law, brought on by Order to Show Cause, for: (i) an order directing Respondent, First State Insurance Company ("First State"), to show cause why the Court should issue an order impounding the file in this proceeding (assuming First State believes the file should be impounded); and (ii) a temporary restraining order directing the Clerk of Court to restrict access to the Court file in this proceeding to the parties, their attorneys and authorized court personnel pending a hearing on this Motion.

STATEMENT OF FACTS

The relevant facts are set forth in the accompanying affidavit of Adam Cohen and are incorporated herein by reference.

ARGUMENT

Federal courts retain the inherent power to seal proceedings before them upon a showing of good cause. *See DiRussa v. Dean Witter Reynolds, Inc.*, 121 F.3d 818, 827 (2d. Cir. 1997). While the decision whether to seal or grant access is left to the sound discretion of the trial court